

REMARKS/ARGUMENTS

Claims 1-14 are pending in the application; all claims stand rejected. Claims 4, 11 and 14 have been canceled, without prejudice.

Claims 1 and 5-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sloan*, et al. (U.S. Patent No. 6,434,530 B1, hereinafter referred to as *Sloane*) and further in view of *Sloane* (U.S. Patent No. 5,918,211, hereinafter referred to as *Sloane II*). The Examiner has stated that *Sloane* discloses a product purchase making device including means for inputting product identification information, means for accessing a product information source, and means for receiving product information based on said product identification information. The Examiner has cited several passages from *Sloane* in order to buttress his arguments. The Examiner admits that *Sloane* does not disclose means for indicating to a user a product purchase decision. The Examiner has stated, however, that *Sloane II*, which is in the same field of endeavor, does teach the use of indicator lights to indicate a product purchase decision to a user. The Examiner has held that in view of *Sloane II* it would have been obvious to a person of ordinary skill in the art at the time of the invention of the applicant to have modified *Sloane* to incorporate the feature of using indicator lights to indicate the purchase decision to a user because using different colored lights, as being done in guiding the traffic with green, red and yellow lights, it would be very familiar and striking to users to convey decisions rapidly, to go ahead with the indicated purchase decision, to go ahead with the purchase decision with caution, and to take a decision to stop buying.

Claims 2, 9 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sloane* in view of *Sloane II* and further in view of the article to Tom Davey, "Improving Access."

The Examiner has stated that in view of Davey, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to have modified *Sloane* in view of *Sloane II* as applied to claim 1 to incorporate the feature of simulating traffic lights, with red, green and yellow indicator/buttons.

Moreover, the Examiner has taken "Official Notice of both the concept and benefits of the old and well-known traffic signaling system using different shapes and colors to indicate and convey decisions to the mind of the users when driving and using the road." Without accepting the correctness of such Official Notice in the non-analogous art of providing information to consumers when purchasing products, based upon the above-amendments to claims 1, all of these rejections are respectfully traversed.

Claim 1 has been amended to, among other things, indicate that the device of the present invention includes means for accessing a plurality of product information sources. The Examiner's attention is directed to the bottom of page 6 through page 8 of the present application. At the top of page 7, is indicated, for example, that the device of the present invention "can access a multitude of information sources that can be automatically consulted through the product decision making device in making a product purchase decision." In the second full paragraph of page 7, it is indicated that information concerning the operation of a restaurant, for example, can be accessed, as well as purchasers being advised of health and safety benefits and risk of certain food additives by accessing information from the Food and Drug Administration, for example. Moreover, as shown by new dependent claim 15, the device allows for two-way communications from the potential purchaser to the supplier of the product.

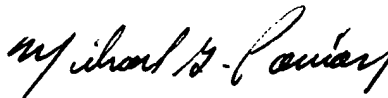
In contradistinction to both *Sloane* and *Sloane II*, it is respectfully submitted that the present application, as amended, is allowable over the prior art of record. In particular, the Examiner's attention is directed to column 3, lines 1 through 12 of *Sloane*. It is stated, specifically, that what is disclosed is a "plurality of interactive, mobile apparatus which shoppers can move throughout the shopping venue." Thus, both *Sloane* and *Sloane II* are only usable within a particular retail environment, and do not obtain information from outside of the particular shopping venue where the consumer is located. Thus, for example, a consumer or purchaser would not know that the same product may be unreliable in its operation or has been determined by a testing organization to be an unsafe product. See, for example, page 6, beginning at line 5 of the present application. Also, the purchaser may not be aware that, although the product is one that is recommended to be purchased and a "yes" decision is given through the *Sloane* or *Sloane II* device, the particular product may be purchased at a lower price or with better options from a different source.

The device of the present invention can return a "caution" or "yellow" response and provide the additional information to the purchaser. Such additional information cannot be provided by the prior art cited by the Examiner. See page 7, lines 1 through 10 of the present application. With the devices of *Sloane* and *Sloane II*, as well as the other prior art of record, the purchaser will only obtain information from within the retail outlet or shopping venue where the person may be shopping. Therefore, the prior art of record does not provide any means for obtaining information from a plurality of product information sources, as described and claimed in the present application.

Thus a favorable action allowing the application, as amended, is respectfully requested.

The Examiner is invited to call the undersigned if it is believed that such a conference call would be of value in expediting the allowance and issuance of the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael G. Panian".

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